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PTO/SB/30 (05-03)

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**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/465,338
Filing Date	December 17, 1999
First Named Inventor	Kenneth S. Albert
Art/Unit	1615
Examiner Name	Amy E. Pulliam
Attorney Docket Number	PT1817000

03 MAY 19 2003

Ref

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

5-27-03

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other Request for Extension of Time

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 08-3255
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 1,680.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Marcialdo Sarkis	Registration No. (Attorney/Agent)	37,015
Signature	<i>Marcialdo Sarkis</i>	Date	May 15, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT OFFICE

Application Serial No. 09/465,338

Our Ref.: PT1817000

CUSTOMER NO. 23607

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Applicant : BIOVAIL
LABORATORIES
INCORPORATED

Agent: Ivor M. Hughes,
Suite 200,
175 Commerce Valley
Drive West,
Thornhill, Ontario
Canada L3T 7P6

Be
5-27-03

Title : CHRONOTHERAPEUTIC
FORMULATIONS OF DILTIAZEM
AND THE ADMINISTRATION THEREOF

Inventors : Kenneth Stephen Albert
Paul José Maes

Examiner: A. Pulliam

Group Art Unit: 1615

Due Date: May 18, 2003

**SUBMISSIONS ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION (RCE)**

May 16, 2003

The Commissioner of Patents
UNITED STATES PATENT OFFICE
1911 South Clark Place
Crystal Mall #1, 7th Floor Reception
Arlington, Virginia 22202
U.S.A.

Dear Sir:

INTRODUCTORY COMMENTS

In response to the outstanding Official Action dated November 18, 2002 and due for response February 18, 2003, Applicant encloses a Request for a three month extension of time with the fee for a large entity of \$930.00 U.S. funds making this response due **May 18, 2003**. Since May 18, 2003 falls on a Sunday, the due date is extended to Monday, May 19, 2003. If there is any deficiency or surplusage of the fees enclosed for the Extension of Time (fee), please obtain any such deficiency or credit the surplusage to Deposit Account 08-3255 and advise Applicants' Agent.

Please enter the following submissions: